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09/961,411	09/25/2001	Robert Bezner	BS01-092	6935

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EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 04/09/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/961,411

Applicant(s)

BEZNER ET AL.

Examiner

Md S Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 26-33 is/are allowed.
- 6) ☒ Claim(s) 11-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04 & 06.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11, 12, 15, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (U. S. Patent No. 5,757,904).

Regarding claim 11, Anderson teaches establishing a telephone call between a caller Mr. Allen (i.e., caller) and an agent Eng (i.e., member) of a call center (i.e., subscriber) (abstract; fig.1, fig.2; col.3, lines 35-39, col.4, lines 63-67).

Anderson further teaches receiving a TRANSFER key (i.e., sequence of key strokes) from the member who uses a customer premises equipment during the call (fig.2; col.5, lines 30-33).

Anderson further teaches reviewing a call center list related to the call center based at least in part on the TRANSFER key (fig.2; col.5, lines 30-38).

Anderson further teaches transferring the call to a workstation 118 (i.e., component) in the telephone network (col.5, lines 34-38).

Anderson further teaches re-terminating the call from the component (fig.2, fig.3; col.5, lines 42-46).

Regarding claim 12, Anderson teaches storing the subscriber list within the telephone network (col.5, lines 4-14).

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Regarding claim 15, Anderson teaches the call is re-terminated to the customer premises equipment (fig.2, fig.3; col.5, lines 42-46).

Regarding claim 17, Anderson teaches the call is picked up by a second agent (i.e., member) of the subscriber (fig.2, fig.3; col.5, lines 42-46).

Regarding claim 18, Anderson teaches that the sequence of keystrokes is associated with an intended member of the subscriber (fig.2; col.5, lines 30-38).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Patent No. 5,757,904) and in view of Pershan (U.S. Pub. No. 2002/0034289).

Regarding claim 13, Anderson fails to teach "the sequence of keystrokes comprises a flash key of the customer premises equipment". Pershan teaches that the sequence of keystrokes comprises a inherently flash key of the customer premises equipment (page 2, paragraph 0016). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Anderson to have the sequence of keystrokes comprising a flash key of the customer premises equipment as taught by Pershan. The motivation for the modification is to have doing so in order to make a transfer of the call.

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Regarding claim 14, Anderson teaches that the sequence of keystrokes further comprises one or more number keys of the customer premises equipment (fig.1, fig.2; col.5, lines 30-38, 64, 65).

Regarding claim 16, Anderson fails to teach "the call is picked up by one of an answering machine and a fax machine". Pershan teaches that the call is picked up by voice mail (i.e., one of an answering machine and a fax machine) (page 6, paragraph 0072). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Anderson to have the call being picked up by one of an answering machine and a fax machine as taught by Pershan. The motivation for the modification is to have doing so in order to forward the call to the voice mail.

5. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Patent No. 5,757,904) and in view of Parker (U.S. Patent No. 5,661,791).

Regarding claim 19, Anderson fails to teach "the call is re-terminated with a distinctive ringing tone associated with the intended member". Parker teaches that the call is re-terminated with a distinctive ringing tone associated with the intended member (col.7, lines 25-35). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Anderson to have the call being re-terminated with a distinctive ringing tone associated with the intended member as taught by Parker. The motivation for the modification is to have doing so in order to make a transfer of the call to the listed member.

Regarding claim 20, Anderson fails to teach "the call is re-terminated to a voice mailbox associated with the intended member". Parker teaches that the call is re-terminated to a voice mailbox associated with the intended member (col.7, line 60-

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col.8, line 9). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Anderson to have the call being re-terminated to a voice mailbox associated with the intended member as taught by Parker. The motivation for the modification is to have doing so in order to complete the call to a default number.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U. S. Patent No. 5,757,904) and in view of Carrion et al. (U. S. Patent No. 6,611,585).

Regarding claim 21 is rejected for the same reasons as discussed above with respect to claims 11 and 18. Furthermore, Anderson teaches creating a call center (i.e., subscriber) list comprising agent (i.e., member) information related to a multi-agent call center (fig.1, fig.2; col.3, lines 35-39, col.5, lines 30-38).

Anderson fails to teach "instructing the answering member to hang up". Carrion teaches sending release acknowledgement (i.e., instructing) the operator (i.e., answering member) to hang up (fig.1; col.3, lines 51-57). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Anderson to instruct the answering member to hang up as taught by Carrion. The motivation for the modification is to have doing so in order to bridge the two calls together.

6. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U. S. Patent No. 5,757,904) and in view of Carrion et al. (U. S. Patent No. 6,611,585) and further in view of Parker (U.S. Patent No. 5,661,791).

Regarding claim 22 and 23 are rejected for the same reasons as discussed above with respect to claims 19 and 20 simultaneously.

Regarding claim 24, Anderson in view of Carrion fails to teach "the telephone network is an advanced intelligent network". Parker teaches that the telephone network is

an advanced intelligent network (abstract; fig.1; col.5, line 65-col.6, line 4). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Anderson in view of Carrion to allow the telephone network being an advanced intelligent network as taught by Parker. The motivation for the modification is to have doing so in order to enable the subscriber to establish an easily changed plan for call completion.

Regarding claim 25, Anderson in view of Carrion fails to teach "the component is a service node". Parker teaches that the component is a central office (i.e., service node) (abstract; fig.1; col.5, line 65-col.6, line 4, col.6, line 56-col.7, line 8). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Anderson in view of Carrion to allow the component being a service node as taught by Parker. The motivation for the modification is to have doing so in order to serve the telephone to complete the call.

Allowable Subject Matter

7. Claims 1-10 and 26-33 are allowed.
8. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, prior art fails to teach, when a member of the subscriber presses one or more keys on the customer premises equipment during a call between the member and a caller, the service switching point launches a query to the service control point, wherein the service control point returns a message to the service switching point in response to the query, wherein the service switching point forwards the call to a

service node according to instructions contained in the message and wherein the service node re-terminates the call to the subscriber.

Regarding claim 26, prior art fails to teach, detecting a sequence of key strokes from an answering member of the subscriber, wherein the sequence is detected by a trigger provisioned on the telephone line, launching a query by a service switching point associated with the telephone line to the service control point, wherein at least part of the sequence is incorporated into the query, consulting the database to review the member information; transferring the call to a service node and re-terminating the call in accordance with the member information.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

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M. E.

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April 3, 2004

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